
RAFIK DAMMAK: So, maybe just to wait for the NCSG policy [inaudible]. We'll start soon the call for cross-community working party. [inaudible] just added a few minutes ago, so I think there was some confusion about timing, but I think the right time in the invitation. Anyway, for those who miss the call, you can listen to the recording that will be shared later on. I think it's good to start our all and others will join us shortly. Can you please start the recording and also the roll call?

MARYAM BAKOSHI: Sure, Rafik. Thank you, everyone. Good morning, good afternoon, and good evening. This is the NCSG Monthly Policy Call on Friday, the 21st of September 2018 at 14:00 UTC.

On the call today, we have Arsène Tungali, [inaudible], [inaudible], Niels ten Oever, Olga Kyryliuk, Rafik Dammak, Robin Gross, Sam Lafranco, Stephanie Perrin. And from staff, we have myself, Maryam Bakoshi.

I'd like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much, and over to you, Rafik.

RAFIK DAMMAK: Thanks, Maryam, and thanks for everyone for joining us today for the NCSG policy call. As a reminder about why we have this call, it's held on a monthly basis. Usually, we schedule it prior to the GNSO Council meeting in order to have an opportunity for the NCSG representatives to the GNSO Council to discuss with the NCSG membership about the

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

council agenda, but also to discuss about all policy matters and consultants. It's [inaudible] that consultation and also giving updates and receiving about what's going on. So, what we try to do usually is to go through the GNSO Council agenda. There are several items there. Some of them are for vote, so there are [inaudible]. And for the NCSG Council to vote, they need to consult with the membership and to ensure that we are voting in the direction that it's carrying what the membership thinks is right.

It seems there was some confusion about the Adobe Connect room because it's changed lately for some technical issue, so just asking please send a reminder to the mailing list and indicate to where the people should join this Adobe Connect channel. I guess many of them are just checking the invitation.

So, let's start with the first agenda item which is the GNSO Council agenda. Usually, the first items are administrative matters, so there is not so much to discuss about but it can be if you have time if you can check in particular the item 1.4 as it includes the minutes, so you can see what was discussed in the two previous council meetings.

The next, item number 2, is also good to check and [inaudible] project list which summarized the status of all working groups and GNSO activities, so it can get a good snapshot of what's going on. But, we are not covering this [inaudible]. You can check that later so you have it.

What we have on item number three is the consent agenda which means that unless a councilor objects and wants to bring it for more

discussion [inaudible], we will vote without discussion. And usually we use that for non-controversial issues, just a confirmation or approval.

So, here, we have three items that I don't think are controversial and two of them to be voted. So, the first, the approval of the 2018 slate of members and liaisons on the Customer Standing Committee. So, here are the GNSO Council – the ccNSO Council, they are just going to confirm the members of the Customer Standing Committee as they are appointed by other, like for the [inaudible] case, by the Registry Stakeholder Group I think for two seats [inaudible] it was by the council. But we have here [inaudible] membership. So, there is no issues, just confirmation.

The next is the approval of the [inaudible] for the Customer Standing Committee effectiveness review and to appoint on [inaudible] represent the GNSO in this review. So, this is also to ... My understanding is it's not an issue. [inaudible] involved on the effort to prepare for the Customer Standing Committee effectiveness review and to ... There was a [inaudible] previously in how to avoid any overlap with the other review that is going to start soon which is the IANA naming function review.

Just to put context, maybe it's confusing here, all this is related to what we have after the IANA stewardship transition and having those different committees, the Customer Standing Committee, which is to monitor the [inaudible] of the IANA functions.

So, I don't think we are impacted directly. We also have people involved to some extent on those efforts, so the [background chatter]. Please mute yourself.

MARYAM BAKOSHI: I'm unable to mute this person. I'm so sorry.

RAFIK DAMMAK: Okay. At least someone is having fun. I assume that's what we are getting. Okay. Yes. I don't think that we can [inaudible].

The last item is the standing committee on budget and operation. So, this committee was created by the council to focus on the budget and ICANN planning. It was created on an interim basis and by itself it was asked to create a board to review its activities. So, we just received that report from the standing committee, so here this is just confirming the reception. Probably this ICANN will be discussing [inaudible] with regard to the content of the report and [inaudible] about the next steps regarding the standing committee on budget and operation.

Sorry. Is it possible to mute? It's really becoming hard.

MARYAM BAKOSHI: Hi, Rafik. I'm trying to do that.

RAFIK DAMMAK: Okay, thanks. We have to deal with some technical issues, but it's okay. So, that was for the consent agenda. Maybe we spent more time than expected. I will try to do my best to continue. I hope that you can hear me. If you can hear me, just say so, so I can go to the next agenda item.

Okay. So, just to clarify, Maryam is trying to drop the two lines, going through the operator. It's taking some time. [inaudible].

RECORDING:

The host has left the meeting to speak with meeting support and will rejoin soon.

RAFIK DAMMAK:

Okay. We are back to business. To be honest, I'm quite disappointed. It's quite late here where I am and we lost more than 10 or 15 minutes, so we will follow-up later on and we will be clear about that. So, let's focus on our business for now and all these issues will be dealt later.

So, we were discussing about the consent agenda. I hope that it was clear. I am happy to elaborate more later on, but I think we need to go to the main part of the consent agenda.

The next one is the approval of the CCWG accountability work stream two final report. It's time to get this done. It was sent by the CCWG a while ago and I think it's quite straightforward vote here. We just approved the work of the CCWG. We made a statement at a previous council meeting. We are fine with the recommendation, but we I think maybe – Tatiana, she made the statement she can clarify what we wanted to express, that we find it's an issue that we had to accept [the] recommendations as they are. So, I think this will be one of the easy votes until there is some surprise that we are not expecting. Any question or comment here? Yes, Tatiana, please go ahead.

TATIANA TROPINA:

Hi, everyone. Can you hear me well? Thank you. So, about the vote on the approval of the CCWG accountability work stream two final report.

I made a statement that we [inaudible] from NCSG are going to vote for the report because it needs to [inaudible] mailing groups and many people. But what made us unhappy and what makes me very unhappy is that, in most of the cases, the [roots were] following the recommendations for the participants and concerns and public comments and everything was considered properly. So, many of the recommendations, most of them, actually represent a proper consensus between different opinions, so middle ground. But, some of the recommendations were, for example, recommendations on ombudsmen. They really do not reflect the opinions or concerns which were expressed by us in public comments. They were just ignored. Which, the group could easily do. But, the problem is that there is no way to reject certain recommendations. We have to vote for the entire package.

And while we ... I understand that there is no way to change the situation. I made a statement that maybe for the future for this kind of work we have multiple work tracks and groups. There should be a possibility to reject some of the recommendations without rejecting the entire package. So, that was my statement.

So, we are not going to vote against these because it's a significant amount of work, but we are very unhappy with how it has been handled in terms of buying the entire package or not buying it at all. Thank you.

RAFIK DAMMAK:

Thanks, Tatiana. We spend a lot of time working on several of the NCSG members working, but [inaudible] CCWG I think also our comment already made it clear where we are supporting [as a forum]. So, it's quite straightforward here, to [vote] here to approve. But I think we got it on the record where our concerns are in terms of process. I think this is something to have in mind. Any other question or comment on this? Okay. [My comment], I guess we can reiterate that. Maybe elaborate more if needed.

Okay. So, the next agenda item is ... Well, this is also ... The adoption of the final report and protection for certain Red Cross names in all gTLD policy amendment processes.

This motion was deferred from last meeting by NCSG request because it wanted to clarify some points. In fact, we had a call with the chair of the working group and the staff asking some question and indicating where we have concerns. So, in terms of it's not really about the process itself but it's more about the recommendation, and in particular, one.

So, just in terms of the background, the work on Red Cross names is something that lasted for many years and there was a recommendation before, but we have said we get this back by the amendment process requested by the board and approved by the GNSO Council last year.

So, the working group or the [inaudible] working group, as we call it, was tasked to work on simple actions, to add a [final] list of Red Cross names to be protected. So, we got a few recommendations from the working group [inaudible]. I think our concern, and I hope that Farzaneh would elaborate more as she followed this discussion more, it's about

the legal basis for this protection and also about the process to amend or add or delete names to that list. So, we had a discussion of the working group and we tried to understand more how we should conclude for the recommendation.

So, just a reminder. The GNSO Council [inaudible] of PDP recommendation, it cares about the process. We avoid trying to amend the recommendation coming from the working group. As we initiate PDP and we get people involved to do the bulk of the work there, to not try to do the work at the council level, so we focus on the process and that's why, for the councilor, when we are going to vote, we have to ask questions about the process [inaudible]. So, we are trying to see here how we can vote and also maybe to state our concern.

Since Farzaneh is here, maybe you want to explain more about the issue. What are the concerns in more detail?

FARZANEH BADII:

Yes. Thank you, Rafik. So, basically, there are a couple of things. One was the problem ... Can you hear me? Is it good?

So, one of the problems with the reports was that despite the fact that we are not doing a legal analysis of whether there is a legal basis for protecting these Red Cross names, they said that they have done a lot of research and it constitutes but the document does not constitute analysis. But, still, they kind of said that they had legal basis to rely on for the recommendations, which I find personally risk because if it sets a precedent that reserving names and international organization names

would be like something that can be argued that the law or [inaudible] said that they should reserve that ICANN is going to be a [inaudible].

There is the convention and there are some legal arguments which I don't personally think it's applicable to ICANN, but they argued that [inaudible]. I think they explained that to us in the meeting that we had with them.

Also, we made another point which was about the PDP, so that the recommendation says that we [inaudible] having to go through a PDP if you want to add, which is very important – if you want to add to this [finished] list without going through a PDP, you can [inaudible] the following criteria. You can just tell the GNSO Council and some other AC and SO and then you can just be added. No. It's a whole elaborate process. It's very detailed. I think [inaudible] that you have to have a country to be [inaudible] and not a Red Cross to be able to add to this list was okay.

However, again, process-wise, it's a bad [precedent] to say this is a [finished] list and then say if you want to add to this [finished] list or if you want to also delete from it or if you want to change it, you don't have to go through a PDP. [It is] fundamentally against the multi-stakeholder process, in my opinion. But, this is a very small aspect of it, which when we raised it, they also took this into account and Mary, the staff in charge of [inaudible], she provided the red lining and some additions to it to make sure that this exceptional [inaudible] under really narrow circumstances that they don't go through a PDP to add ... I don't like it, but I can't die in a ditch for this.

There's another thing that ... Sorry, I'm going on. There was another point I wanted to make which I do not remember anymore. Oh, yes. And [their finished] list is quite [humor]. So, they say there are only [91] names based on [inaudible]. But, under these [inaudible] organizations or names, you see at least five or six translations, transliteration of these names. So, really, the list is not [191]. It's, I don't know, probably [500] or so. And that's it. Thank you.

RAFIK DAMMAK:

Thanks for listing the concerns in terms of substance. Just I wanted to highlight that we were suggesting some questions that [inaudible] agenda item. We are trying to answer them as a council. It's not just really about this process, but other PDPs. So, we are asking three questions. That the council believes that PDP has addressed the issues that it was charged to address, has the PDP followed due process, did the PDP working group address GAC advice on the topic. This is just to give us guidance in terms of to make a decision. But, really, just I think [inaudible] what we had at council leadership level is really ... All this started with the GAC advice with regards to the previous recommendation. So, how we are dealing with that process and see how the working group responds to that.

Back to the NCSG position. I think we will vote yes, because in terms of process, I don't think there is an issue. But, again, as was discussed in the chat, it's good to make a statement, have that [on record]. It's been our reason. So, the [deferral] was useful for us at the end to give us the time to really make our minds, instead of just working [inaudible] and so on.

And yes, we have to discuss [inaudible] Red Cross. I'm not sure, Tatiana, if you are in the queue or if that was an old hand. Okay, I assume that's an old hand.

TATIANA TROPINA:

Hi. I was in the queue, but ...

RAFIK DAMMAK:

So, I think we have clarity on what we should do here. Farzaneh mentioned about the document shared by Mary. I think we can also share them in the NCSG list for information.

We are done with this agenda item. I think we can go to the next one. It's not voting. We will go to discussion matter which is an update on new gTLD auction proceeds cross-community working group. We put it here because the understanding is that cross-community working group for the auction proceeds is working on its initial report and it's going to deliver it soon. So, the purpose is to hear the update from the chair, the co-chair from the GNSO to this cross-community working group. [inaudible] going on there because I don't think we get any update for some time now.

I know that we have a few people involved in that working group, so maybe if they want to share anything or any matter that we should be aware beforehand. Anyway, it will be an update. We will see maybe an idea about the content of the initial report. Any question or comment here? I don't see any.

I don't want to put anyone on the spot, but we have I think [inaudible] but he's not here now, and also [Tiffany] but she is not [inaudible] what's going on in that lately. So, if anyone can [come forward] and have any update that can be shared, it's time to do so. Otherwise, we will move to the next agenda item.

[KATHY KLEIMAN]: Hi, Rafik. This is Kathy.

RAFIK DAMMAK: Yes, Kathy?

[KATHY KLEIMAN]: Sorry, I'm coming on late. I had great difficulty trying to connect to the call and I appreciate Maryam. She needed to dial out to me. Have you talked about rights protection mechanisms and do you need an update?

RAFIK DAMMAK: Hi, Kathy. We are still at council agenda, so we didn't cover ... We are not covering RPM yet. That's usually for the next part of the meeting.

[KATHY KLEIMAN]: Okay.

RAFIK DAMMAK: And sorry for the technical problem. It seems that we [have bad server] for today. Since [inaudible] is back, we were asking about ... We have

the auction proceeds item in the council agenda, so asking if there is any update we could get for now.

UNIDENTIFIED MALE:

Sure, I can try. It's progress and very, very slowly. There is now a soft draft recommendation out. I was actually going to forward it today for comment. At this point, all they're doing is they're looking at four different methods and trying to get some priority between them. There's still nothing more in depth than that. I don't think there's anything we would have a strong position about at this point, but I will definitely circulate the current draft.

RAFIK DAMMAK:

Thanks. Let's say it's coming soon. The initial report is coming soon and we will have to comment on that. Okay. Any other question or comment you want to ask? I see none. Go to I guess the most exciting agenda item, which is the council update on the temporary specification for registration data, expedited policy development process, or they call it EPDP.

I am supposed to give an update here. The GNSO Council liaison to the EPDP. But I think we can use this more as an ... Even if we have the second part of the call to discuss what policy updates, we can [inaudible] this to get a briefing about what's going on on the EPDP side.

So, before the council [inaudible], I am supposed to give an update, but it's already going to some extent by the weekly report. I expect more questions and concerns since I think we are in the level of possibly not

meeting the deadlines, but we have the face-to-face meeting next week and there are a lot of expectations that we can reach at some level to give us a chance to deliver something by Barcelona meeting. But I think it is these days quite unclear and we will see what will happen.

I cannot speak more about the EPDP from my perspective. I am involved in that working group as liaison, so I'm not participating on the substance, per se. I will leave that to our NCSG representative. We have on the call Farzaneh, Stephanie, Amr, and I hope I'm not forgetting anyone. Also, we have Colin and Tatiana as alternates. I see Amr is in the queue. Please, go ahead.

AMR ELSADR:

Thanks, Rafik, and thanks, everybody. Just a quick snapshot of where we are and what we're supposed to be doing. So, the EPDP has held I think 15 calls to date. The first [inaudible], the working group or the EPDP team, because it's technically not a GNSO working group. The first deliverable we were supposed to send back to the GNSO Council has been sent which is a triage report of the different provisions and temporary specification on gTLD registration data and this triage report was meant to indicate the levels of consensus amongst the different participating ICANN SOs, ACs, stakeholder groups, and constituencies to each of those provisions. So, that's done. That's been sent to the GNSO Council.

Next was supposed to be finalizing the initial report I think before the Barcelona meeting and there's meant to be a public comment on that report. I think the EPDP team, Rafik kind of touched upon the issue of

whether the team will be able to deliver on time or not. I don't think he is alone in that concern. I think everybody pretty much shares that concern.

Right now, the EPDP team is extremely divided. There's a lot of divergence there, not just on the substance of the policy issues, but also on how to go about dealing with them.

We have a charter. There's a bunch of charter questions in there. Some of them are gating questions to others. So, the gating questions are basically a number of questions in the charter that have been identified by the GNSO Council to require answers being provided before moving onto other questions and those are basically to identify the purposes of processing gTLD registration data as well as identifying the different processing activities and associating those with the purposes for collecting and using this data, as well as eventually disclosing them to third parties.

The way the EPDP has been going about its business so far, for the most part, is attempting to red line the actual language in the temporary specification. So, the temporary specification is meant to – I don't know what you would call it, an appendix or an addendum to the agreement ICANN has with its contracted parties, accredited registrars and gTLD registry operators. But we've been having a really hard time going through this exercise.

And the NCSG members of the EPDP team, as well as other groups represented, have been sort of pushing for an attempt to abandon the whole exercise of redlining the temp spec which has proven to be too

difficult and focusing on the policy questions in the charter and providing answers to those, and especially starting off with the gating questions that I mentioned earlier.

Other groups, on the other hand, are ... Well, I don't know what their preferences are in terms of redlining the language of the temp spec versus answering the charter questions, but they obviously have very highly vested interest in third-party access to registration data and how this is going to be done and they've been trying to bake that into every discussion the EPDP team has been having to date and this is becoming a real issue in terms of the EPDP team using its time both on list and during calls widely and getting its work done.

So, I think this is probably the main challenge we've been facing and other members of the EPDP team on this call today can weigh in as well.

I think the face-to-face meeting in Los Angeles next week is going to be really a last-ditch attempt for the EPDP team to get its work done before the deadline by the Barcelona meeting in October. So, if progress can be made there, that would be great. I think our team, our representatives on the team I mean, the Non-Commercial Stakeholder Group representatives, should probably band together with like-minded folks on the team, probably those in the contracted parties as well as the Internet service provider constituency and the commercial stakeholder groups. I think largely we're well aligned, not just in terms of substance or policy. I think we're, to a very large extent, on the same page on that front.

But, more importantly, we are also I think on the same page in terms of what needs to be done for the EPDP team to get to where it needs to go. So, if those groups can sort of band together and try to steer the team's work in a more productive direction, I think that would be great and we are trying to do that at this point in time.

Apart from that, I don't think we need to get in the real nitty-gritty policy issues, but if you do have any questions, I'd be happy to answer and I'm sure other members of the team would be. And if anybody else would like to add to my brief summary, then please go ahead. I give you the floor. Thanks.

RAFIK DAMMAK:

Thanks, Amr, for this briefing from an NCSG standpoint. Any question or comment? This is good to do so. I think probably we will know more by next week after the face-to-face meeting. Yes, Stephanie, go ahead.

STEPHANIE PERRIN:

I hope you can hear me. I just want to raise my rather deep concerns that we are being played here on this EPDP just like we were played on the RDS working group. And whether this has been explicit plan or it is a plan of certain stakeholder groups I think is immaterial. A lot of us, or some of us, spent two years on the RDS working group getting absolutely nowhere with ridiculous interventions that slowed us down, not being cut off, and we wound up with [no] policy. What we wound up with was a unilaterally negotiated – and that's between the board and a stakeholder group, namely the contracted parties – temporary spec in which we, as the representative of the registrant, had no say.

We weren't consulted. We weren't allowed to participate. It just happened.

Now we have a very short timeline an operation to either fix that as a policy or let it drop, in which case we are back in the unfortunate world where we have no policy and the contracted parties figure out themselves how they're going to comply with GDPR with respect to registrant data and we've been going in circles for 15 meetings, again, because the chair is not sticking to the, in my view – and I'm being pretty blunt here if you might have noticed – because the chair is not sticking to the charter and cutting off side conversations and he has openly said, "If you have concerns, contact me directly." So, a lot of the discussion is going on on back channels with the chair. It is not happening on the working group.

Now, that may prevent all-out war but it is not a multi-stakeholder process. It's a lobbying process. Let's be clear. In the meantime, the Intellectual Property Constituency continues to send ICANN Org its version of the UAM and they recently sent a letter which was ventilated on the list. Darcy Southwell said, "What the heck are you guys doing? Are you not playing in good—" She pretty much said, "Are you not playing in good faith on EPDP?" And of course we now have a sort of usual [inaudible] answer from the IPC saying, "Hey, you guys started it with the temp spec."

Now, from our perspective, I don't think either of these guys care fundamentally whether the non-commercial parties participate. So, let's not assume that we have friends here that care whether that multi-stakeholder process works. Each party wants to negotiate and lobby

[inaudible]. And the IPC of course has the GAC on their side. The registrars have, frankly, the law and the fines on their side.

So, if ICANN doesn't [inaudible] to the bar and admit they are a controller and that it faces the same liability, the registrars will just have to take their own action.

So, that's my analysis of what's happening and I'm getting pretty tired of it because we're all ... We've got nine people spending an awful lot of time, maybe not the 30 hours a week I predicted, although I'm certainly putting in 30 and I'm still getting nowhere and still not able to keep up. But this is just starting to be a farce.

Now, many Internet governance scholars have written about this saying ICANN is a farce. I hate to have them proven true. I want this to work. It's important to civil society that this organization works. So, giving up and saying, "Hey, it doesn't work," is not a good option for us. But, I think we should be pretty clear-eyed about what the heck is going on. Thanks.

RAFIK DAMMAK:

Any other comment or question? Yes, Amr, please go ahead.

AMR ELSADR:

Thanks, Rafik. Just to highlight again this one thing that Stephanie mentioned that I have forgotten to mention, that there was a letter sent from the Intellectual Property Constituency and the Business Constituency, a joint letter between them to ICANN asking ICANN to set up his own unified access model to allow third parties to access

registration data because right now they can't do that. Right now the temporary specification has basically required contracted parties to adapt most registration data collected from registrants. They have a couple of other requests in there as well. I see this as extremely problematic as well. I think those two groups are probably ... They're two of the groups that I personally say are [inaudible] responsible for the lack of progress we're making. Again, not because of disagreement on substance, but just rather they're not being very helpful in terms of helping the rest of the EPDP team move the deliberations forward in a logical manner.

So, there are things we need to agree on before we move on to the issues that are important to them. But they keep pushing their issues to the forefront in a very premature way. Them doing this is sort of delaying the progress on the EPDP and now they're also reaching out to ICANN Org asking them to sort of circumvent what we're doing within the GNSO process and to get something done to their liking through negotiations or through a request to ICANN Org itself. This is a big problem as well.

Unfortunately, I don't see a lot of ... I mean, I've heard a lot of people informally express outrage to that letter, but unfortunately there isn't as much being expressed in the formal channels whether on the EPDP mailing list or on the GNSO Council, so I would encourage our own councilors to engage in that conversation on the GNSO Council list, if possible, and also if you feel appropriate bring it up during the next council call which I believe is on the 27th of September. So, I just figured I'd try to [inaudible] with that as well. Thanks.

RAFIK DAMMAK:

Thanks, Amr. To follow-up [inaudible] your comments. I think the letter issue is definitely for the council to discuss and that was raised there. But they've got all the issue hearing, so I cannot intervene here because my position. But what I can say is if people have concerns or issues, they should use the existing process to raise them.

Also, I guess something is really big to focus in the way how you can suggest to propose it. I can tell you that leadership team, the working group, is [inaudible] proposal, like what happened, for example, this week when Farzaneh worked with Thomas on the data and metrics and they shared it. So, just I'm saying this here, you leverage what you have already. Complaining is not going to help as much. I understand the frustration. I hear them, but you need to be effective. I don't want to patronize here, but that's the reality. We have to be effective if we want to move in this process. Collin, your hand is up. Please, go ahead.

COLLIN KURRE:

Hi, there. I just wanted to follow-up on something that was happening or on the conversation that was happening in the chat and say that perhaps one thing, without being too complaining or naysaying, I completely hear where you're coming from, Rafik, that we can ... I mean, if we see tactics deployed that would be better to deploy themselves than to call people out because it's not going to stop them from doing it, [inaudible].

But, maybe one thing that we could hammer home, that our councilors could hammer home in the meeting, is this onus of transparency and

making sure that the proper documentation is occurring for these kinds of facts-handling conversations that are happening. Maybe, for the leadership team, it would be good to perhaps encourage Kurt to limit the amount of conversations that he has with people one on one, just because when you hear them referenced during the calls, it does kind of make you have that bad taste in the back of your head. So, maybe that's one thing that you could kind of lean on, council, is to just encourage transparency and maybe limiting off the record conversations. Thanks.

RAFIK DAMMAK:

About that one about the one-to-one discussion, we raised that before. I understand the idea, the purpose. We raised the concerns before. I think that's my understanding. It's also hard to deny or confirm anything, but my understanding is there are less and less. The only communication I am aware is the one regarding the data metrics and so on.

But, one approach that it's [inaudible] is, for example, there is a call that is open for anyone who wants to join from the EPDP. It's kind of an ad hoc call today. It will be just after this one. So, there is some changes [inaudible]. I concur with you. It can be an issue, but there is an improvement on that front and we will keep pushing for that. Okay. Any comments or questions? Yes, Stephanie, please go ahead.

STEPHANIE PERRIN:

Thanks, Rafik. I just wanted to point out that, quite frankly, I'm doing a lot more than just complaining here. As far as I'm concerned, we have been dancing around in circles for 15 weeks not being blunt about what

the hell is going on and I think raising the issue is a sound move. I think actually Paul's response was a fairly honest one. In fact, we are getting down to brass tax about what's going on. We shouldn't be naïve about this. This is just to keep us all busy while the IPC negotiates something with icann.org.

So, in terms of doing something productive, yes, I think Farzaneh was saying we need a proposal. We need a model that we can put forward. That is one hell of a lot of work, just so everybody knows, because a complete WHOIS policy has to include all of the stuff. We've got a [inaudible] WHOIS conflicts with law policy still going through, about to get struck as a committee. There are several things that have to be pulled into a comprehensive policy. Maybe I should step down from the group and draft this thing. That would be good. But, right now we're all so busy doing this, I don't think anybody has got the bandwidth to draft this policy, assuming they know how to draft a policy like this. It's a non-trivial effort. Look at the work that Thomas put into the Eco Playbook. Just reading it is a lot of work.

On the other hand, the standard stuff is a narrow piece of this and that's what I'm trying to focus on because I think that's a very critical piece. And they're all ignoring me but they're going to show up at the meeting that NCSG is hosting on Sunday afternoon.

So, yes, I'm being whiny and complaining but I'm also doing substantive work on this. Thank you.

RAFIK DAMMAK:

Just to clarify, when I made my comment, I didn't name anyone in particular. I think it's kind of the mood that can be [inaudible] to have when we are working on PDP. It can be really ... It's kind of like a feedback loop, so we have to be careful.

I said I understand the frustration. I understand the concerns. But I'm also a practical person here. If you think we have a problem or an issue, you have to solve it and think what can be done in terms of action.

So, we've identified several issues. I suggested if you have a concern about the leadership, how the work is done and so on, just use the existing leadership. You can report to the liaison. You can even go to the council leadership if you want. You can raise that to the council. But, what I'm telling also is just to make a proposal and I think this is where I see the others, how they are dealing. They are trying to make a proposal. Good or not, I have no judgment there.

So, I think we are doing progress. I'm just really warning about getting in the [inaudible] to be the way that it will be [inaudible]. This is my concern. I have also my concern about how things are going on the EPDP, but it's time for action. It's not time to predict how we are doing or how we fail, because if we fail, it won't be the leadership. It won't be just the staff. It will be the whole GNSO. Not trying to be [inaudible] here, but just small warning. We need to get this done.

With regard to the letter, yes, it is a problem, so we have to act on that and to respond. But, again, this is really [inaudible] the EPDP. This is at the council level and we have to leverage that and I think maybe

Farzaneh wants to elaborate more here. I saw you in the queue, Farzaneh. Please, go ahead.

FARZANEH BADI:

[inaudible]. I just wanted to mention that while we have had how many calls? 14 calls or something so far. Because [inaudible], we keep coming back for obvious reasons to the matter of [inaudible] we are not working on the chartering. The thing is that the agenda doesn't look that bad, despite the fact that I said this in the beginning that two topics is not a good idea. Then we just saw what happens when they discuss two topics each hour. These are organizational [inaudible]. I'm not going to go on [inaudible] about this.

Seriously, sometimes people bring up issues that really, really are baseless and should not be discussed on the call, but still they get the platform and they just continuously talk about access.

Now, the thing that we should do is a little bit of a compromise here, because seriously, we are not going to be able to do our work with a couple of groups that are worried that they are not going to have legal access to the personal information of domain name registrants.

So, maybe we make some mistake in the beginning to just ... Implying that ... I mean, we didn't even imply. We said we were going to access, but after responding [inaudible]. Anyway, I think we have to come to a compromise.

If they want to talk about the access and not about [inaudible] access, but the principles of access, then we can let them do that based on that

also the data elements and the metrics [inaudible], we could have that in parallel that they respond to section J questions in the charter. But that's about it.

Let them just let it out about access, but also empower. Let's do our work. I hope that we can come up with a good work plan for next week's meeting but also we are working on fixing things and we are giving a comment and the leadership encourages, not fully, but he's nice and he listens to us from [inaudible].

RAFIK DAMMAK:

Thanks, Farzaneh. I'm tempted to say a scary word, which is strategize, please. So, [inaudible] a plan and go with it. That's what I can suggest. There are several issues and we need some kind of [inaudible] here to focus on some. Cannot handle all at the same time. Anyway, that's kind of generic proposal. Any comment or question on this issue? I think there are some actions to be taken and probably should be followed up later on and to outline what can be done. I am hearing things in different proposals.

So, the question is what can be done for the letter? I see that Amr suggested that [core] drafting, maybe with other interested groups for the EPDP. So, maybe for the NCSG representative to caucus here and think what can be done in terms of proposal. Any comments or questions?

AMR ELSADR:

Just to streamline this, if we do actually want to pursue a co-letter between us and other groups, it might be quicker and easier for the leaderships of the different stakeholder groups and constituencies to get in touch [inaudible] at that level and of course involve the representatives on the EPDP team. But I think it would be quicker if, for example, [inaudible] stakeholder group chair reaches out to the registrars, the registries, possibly the Internet service providers constituency as well. I just think if you have three or four people just planning this and then maybe leave the implementation up to others or broaden the circle of those who participate in drafting the letter. That would be great.

But, in terms of getting this done, especially if we want to get this done before the face-to-face meeting in Los Angeles, it might be a good idea to just move on that quickly, if Farzaneh is willing.

RAFIK DAMMAK:

Thanks, Amr. You are too quick. I was also going to volunteer Farzaneh for this task. Yeah. As the NCSG chair, she is the person to liaise with other stakeholder groups in such efforts, so I think she can take that. [inaudible] Farzy. That's good.

Okay. So, there is an action that should be followed up. Any comments or further questions here? I see none. I guess we can move to any other business.

Under any other business, there are several items. The first is just ICANN 63 planning. We shared the latest block schedule from the GNSO. Since we have the different [inaudible] decisions for the GNSO

council and the PDP and also the high-interest topics. Also, the decision for stakeholder groups and constituency.

We have also another item which is for the standing selection committee which is tasked by the council to make any appointment on behalf of the council or GNSO. Here we have two things. For the ATRT3, since there was a delay and unfortunately one representative passed away this year, we have to confirm that those who were nominated before, they are still waiting to continue. We have also to fill the vacancy. So, there is a question if we should have a quick call for candidates and to have the standing selection committee to [inaudible].

The other item is for the fellowship program. As you may know, the supporting organization and advisory committee have ability to appoint one representative to this fellowship selection committee. For GNSO cases, we didn't have time. The workaround was to have the GNSO chair as interim representative to the selection committee while we are going to work on the process to nominate a representative from the GNSO. It should not be from the council, but it's from the GNSO, so maybe there will be a call for candidates as well. I have no idea how it will work, but it's something to be tasked for the standing selection committee.

The last item which is the next step for the IGO/NGO curative rights protection mechanism PDP which has, to some extent, similar problems with the Red Cross. The issue here is that recommendations are definitely not aligned with the GAC advice. So, it's a matter for the council here to decide how to deal, if we approve or not the recommendations. So, we will discuss a different path.

We are delaying the decision here since we don't have a clear path how we will deal with the recommendation. It's quite unusual, but because we know [inaudible] what the GAC thinks and the interests of the board, that's why we are trying to see what we can do.

So, I know that I went quickly through those items, but if there is any question or comment, please do so. I see none.

We can move back to the NCSG main agenda. Please, go change the [inaudible].

So, this part is, as usual, the policy update. The first is to maybe a reminder for giving status updates regarding the public comments and then we go to the policy topics to get any update from working group review teams and so on.

So, with regard to the public comments, what we have in the pipeline, and it's quite urgent, is the new gTLD subsequent procedures initial report. [inaudible] worked on the draft and it was shared this week in the NCSG list for review. The deadline for some issues is the 26th, so I urge everyone to review the comments. We need to resolve the edits and to have a clean version.

Just also to highlight Kathy and Robin helped also [Bruno and Elsa] for the drafting and we had – I think it was in August. We had within our [inaudible] on that report for NCSG. That's the one we have a pipeline.

There are so many in the same time. I'm not getting I think lately enough [inaudible] the difficulty. So, what we get is there is two in relation to RDS. One is the proposed TLD registration data access

protocol. [inaudible] working on that one. I hope that we get a draft soon, by next week, for review. Another one is the RDS review team draft report recommendation. We get only one volunteer but we need more. I think it's also a substantive one. I note that Stephanie was on the review team and hopefully she can help those who will volunteer but we need to cover that one quite soon.

So, the other comment is the next steps on reviews. We get the volunteer, but it's still also open for anyone who wants to join. This is also ... The deadline is the 5th of October, so you have a few days. The concern here is that we had before a paper regarding the review and the change in the timeline and now the staff is asking again about the path to take, so we have to cover this because the impact on how ICANN's specific reviews, like RDS, the SSR, and consumer competition review team, all this that we need to be careful in how the scope is set. Also, the Accountability and Transparency Review Team and also the organizational review. So, there are possible changes coming on.

Also, the [staff], we publish soon standard operating procedures for how the whole process for the review will be handled, so we need to really monitor all this and comment. So, please, if you want to volunteer or join the work, please do so. Any questions or comments?

And just a reminder, I'm sharing the link to where we have the status of our comment and [volunteers], so you can join other drafters to be effective. Questions or comments?

So, that's what we have for the public comment. Again, public comments are just a part [inaudible] for PDP. So, we need more people

to get involved with the working group from the beginning, so to influence the whole discussion and the process. It's not just waiting for a public comment. We still need a stakeholder group to give input, but it's also more effective to be involved in the working group. Yes, Farzaneh, please go ahead.

FARZANEH BADI:

Yes, thank you, Rafik. I just wanted to ask our distinguished members to sponsor my e-mail about the board question. I have started collecting a couple of suggestions for questions, but I'm not receiving any response on that. I think [inaudible] until ... Well, it is the end of September. I have to submit the 3rd of October. I have come up with some questions and I think they are pretty good, but if you want to be more consultative, then you should weigh in.

One of the questions that I have is about the reviews and the whole board decision to say that, oh, there was no consensus on this public comment, so they reopened the issue. On the other hand, they reopened the issue and they said you should comment again, comment again. Then, they again reopened issues from ... When [GAC] wants an issue to be open, then we have to build another PDP, like Red Cross and similar stuff like that. Well, that's fine, but then also board says what is these problems with PDP that are not efficient and effective?

Of course, we are not going to have so much time when you keep reopening issues and saying that there was no consensus in the comment that there was clearly consensus. So, I would like to approach in a more diplomatic way, a nicer way. I would like to raise a flag

[inaudible] that, yes, we should talk about effective PDP but we should also talk about how board decides to ask the community again to do a certain task. Thanks. Then, also there are a couple of other questions, but anyway, I do suggest that [inaudible] that I started and let me know what sort of questions are appropriate. Probably we are going to talk about the access model and what the board is going to do, but I don't think we are going to get any answer that they're going to say they're not going to come up with an access model that would be adopted regarding the community consultation and what they are doing is just [inaudible].

So, I know the answer, but if you have any other creative questions from the board side, you think you can give the answers, then great. Just raise it on the mailing list.

RAFIK DAMMAK:

Thanks, Farzaneh. Sorry. I checked the question proposal. I think maybe we can reframe them because if it's too specific, I'm not sure what kind of response we will get and how we can still have a discussion on [deadlock] with the board. But yeah, we can improve that. And yes we should try to [inaudible] with more questions.

I think maybe something that happened in San Juan, it happened in fact that the board and the council meeting. There was issues that ... I think the format is wrong because they are asking us questions and we are asking them questions. I'm not clear I think [inaudible] real discussion here. It's too prepared. And even the question from the board, like, "What are your priorities?" it has a feeling of déjà vu.

Also, I am more worried about the other [inaudible] when they talk about the multi-stakeholder model and the workload and effectiveness and so on because I think it's really kind of coming from a budget perspective [inaudible] that it's now steering almost everything in ICANN when we have any discussion with the ICANN Org.

So, I'm thinking of really how we can improve that meeting and to have a real discussion that it's useful. It's not just a set of questions that we prepare for them. Sometimes, some board members get concerned about some of them. So, let's think and figure out how we can do it.

Regards to any policy topics. I think we covered the EPDP to some extent. There are other working groups, so if we can get an update, I think we covered also because the public comment on subsequent procedures initiative, but we have the work track five there. Oh, we're already jumping here. Yes, Robin, please go ahead.

ROBIN GROSS: Thanks. Can you hear me okay?

RAFIK DAMMAK: Yes, we can hear you.

ROBIN GROSS: Okay. Terrific. Let me just do sort of an update on the entire New gTLD Subsequent Procedures Working Group because there's a little bit more going on right now than just work track five.

So, earlier in this call, we've got the public comment going on right now with respect to the additional report for work tracks one through four. In addition to that, there are a couple of issues that have been flagged as issues that we also need to clear up and have some discussion on before we can go forward.

So, those are going to be dealt with in the next few weeks. And those issues are the public auctions, the private auctions, the role of public comment, and amendments to applications. So, these are the issues that we're going to be discussing in the next few weeks and then a report will be issued probably in about a month from now. I guess it's going to be called a supplemental report to what we've discussed earlier in our calls for work tracks one through four in the initial report. This will be sort of supplemental to that with these additional issues.

Then, there's also work track five which is dealing with the geographic names issue. Right now, we have our first reading with some of the initial recommendations I guess Wednesday, earlier this week. The second one would be scheduled for Monday of next week, so I'd encourage NCSG members to join that call, participate in that call.

Then, we're expecting to issue the initial report on work track five late November I think. Keep in mind this is sort of ICANN time, flipping deadlines across the nations, but we're shooting for late November. Then, public comment on that will be open until probably early January.

Also in that time period we're going to be reviewing the public comment that we get back on work tracks one through four, so we're not really done on that issue yet, so I'd like to encourage folks to still

consider joining and staying active there because now that people are busy writing their public comments, we're going to have to go through all those public comments and figure out what to do with them and how to change supplements, etc., the initial report. So, that will also be going on in parallel.

So, we do have a lot of things going on on that issue in that working group. It's a little bit of a monster working group with five different subgroups and now also the supplemental issue. So, if anyone else has any questions on that or comments, I'm more than happy to talk here or offline. Thanks.

RAFIK DAMMAK:

Thanks, Robin. I think it's quite important to ensure how the input and the public comment will be taken into consideration. I know that the working group already extended public comments. It was the beginning and they extended. That shows willingness to get input to answer some questions because there was not just recommendation. But, I'm wondering how that will be covered.

Also, I recall that there was a proposal to have kind of a designated liaison represented by a stakeholder group constituency when it comes to represent [inaudible]. Do you know how it's going in that front?

ROBIN GROSS:

Yeah. I think the plan is to move forward with that. It's just moving at ICANN's pace, which is sort of a glacial speed. So, I do expect there will be liaisons from groups just to help clarify what group [inaudible] on

certain issues from time to time. It isn't changing the consensus model in any way, but it's just really kind of an aid to the working group chairs and the co-leaders to be able to get a sense for where a constituency or stakeholder group might lie on its particular issue and not have to sort of pick and choose between different views within that stakeholder group or constituency. But, I expect that's going forward, just slowly. There's a lot of things happening in that working group right now.

RAFIK DAMMAK:

Thanks, Robin. That's for the subsequent procedures. Any questions or comments? I know it was already too long, the call. Just [inaudible], maybe less. That was for the subsequent procedures. RDS is in the ... I don't think there is any update, but maybe more coming for Barcelona meeting with regard to the future of that working group and I can't say there is no future likely.

What is this? The RPM. Kathy left already. [inaudible], you already gave some update. Do you want to add more for RPM? Okay, go ahead.

UNIDENTIFIED MALE:

Hi, can you hear me?

RAFIK DAMMAK:

Yes.

UNIDENTIFIED MALE: Good. [inaudible] any sort of questions. The main ICANN [inaudible] that we are discussing, the final draft of recommendations to change the URS, the uniform rapid suspension. But, before, we're going to [inaudible] common ground on this [inaudible] and we are [inaudible] that will be going [inaudible]. It's sort of weird because even when consensus is not reached, then excuse to go to public comment is that there's no consensus. It's not clear exactly what is the consensus [inaudible] public comment. [inaudible]. Sorry.

RAFIK DAMMAK: Okay. Thanks, Martin. I don't see any question or comment and we have more people leaving the call, so I think it would be a good time to [inaudible]. So, I think that we didn't leave any working group or review team and we covered them all. So, if there is no any other topic to be discussed, I will suggest that we adjourn the call for today. I want to thank everyone for staying for more than 90 minutes and I'm sorry again about the issue we had with unmuted participants. We will follow-up with that and hopefully we can avoid this in the future. Thanks, everyone, and see you soon. Bye!

MARYAM BAKOSHI: Thank you, everyone, for attending the meeting. The meeting is now adjourned. Thank you. Bye.

[END OF TRANSCRIPTION]